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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/450,551	11/30/1999	RAGHURAMA BHYRAVABHOTLA	8470	7808
26884	7590	02/12/2004	EXAMINER	
PAUL W. MARTIN LAW DEPARTMENT, WHQ-5E 1700 S. PATTERSON BLVD. DAYTON, OH 45479-0001			RUDY, ANDREW J	
		ART UNIT	PAPER NUMBER	
		3627		

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application N .	Applicant(s)
	09/450,551	BHYRAVAHOTLA
	Examiner	Art Unit
	Andrew Joseph Rudy	3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 December 2003.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-14 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's Amendment After Final and Request for Reconsideration has been reviewed.

The Response is convincing regarding the Final Rejection dated October 17, 2003.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 1, the phrase "label, comprising" is not clear as what is being referenced.

Claim 1, lines 6, 7, the phrase "of the memory, the interface and the display and report" is not clear. As is, the diagnostic test may be performed on each of the above-enumerated items.

Claim 6, line 1, the phrase "establishment comprising" is not clear as what is being referenced. Is it the system or establishment?

Claim 6, lines 8, 9, the phrase "the memory, the interface and the display and report" is not clear. As is, the diagnostic test may be performed on each of the above-enumerated items.

Claim 11, line 2, the phrase "system, comprising" is not clear as what is being referenced.

Claim Rejections - 35 USC § 103

4. Claims 1-14, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhyravabhotla, US 6,411,196, in view of Edge et al., US 3,879,712.

Bhyravabhotla discloses an electronic price label comprising a memory 56, an interface, a display, e.g. 54, 70, and self-test diagnostics. Bhyravabhotla does not disclose a processor. Brick discloses a series of for each shelf label via an audible or visual 362 (e.g., see col. 15) means. The programming device 350 is independent of a central processor 312.

Edge discloses a self-diagnostic test interface. It is further noted that self-diagnostic tests of computer equipment are well-known and common knowledge in the computer art.

To periodically perform a self-diagnostic tests on each of the shelf labels independent of a status request issued by the central processor for Bhyravabhotla would have been obvious to one of ordinary skill in the art in view of Edge. Doing such would implement well-known self-diagnostic testing means. The motivation for such would be a further self-diagnostic test on an alternative equipment device.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 703-308-7808. The examiner can normally be reached on Tuesday thru Friday, 7:30 a.m until 6 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Andrew Joseph Risch". The signature is fluid and cursive, with "Andrew" on top, "Joseph" in the middle, and "Risch" on the bottom right.